

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THOMAS D. GILLIS,)
vs.)
SPX CORPORATION INDIVIDUAL ACCOUNT)
RETIREMENT PLAN and SPX RETIREMENT)
ADMINISTRATIVE COMMITTEE,)
Defendants)
Plaintiff)
) Civil Action No.: 03-12389-GAO
)

**PLAINTIFF, THOMAS D. GILLIS' MOTION FOR SUMMARY JUDGMENT ON
LIABILITY**

The Plaintiff, Thomas D. Gillis ("Gillis") hereby move this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for the entry of an order granting summary judgment in his favor as to liability on Counts I, II, III, IV, V and VI of his Amended Complaint.

For the reasons set forth in the accompanying Memorandum in Support of Plaintiff, Thomas D. Gillis' Motion for Summary Judgment on Liability there is no genuine issue of material fact and Mr. Gillis is entitled to summary judgment on all counts of his Complaint as a matter of law as to liability.

Attached hereto in support of this motion is a Statement of Undisputed Materials Facts to which is appended the Affidavit of Thomas D. Gillis and the attached exhibits.

WHEREFORE, the Plaintiff, Thomas D. Gillis requests that this Court grant the within motion and what other and further relief it deems fair and just.

Respectfully submitted,

Plaintiff,
THOMAS D. GILLIS,
By his attorneys,

/s/ Lawrence P. Murray
LAWRENCE P. MURRAY BBO# 561835
EVELYN A. HARALAMPU BBO# 221130
Burns & Levinson LLP
125 Summer Street
Boston, MA 02110
(617) 345-3000

Dated: February 8, 2006

REQUEST FOR A HEARING

The Plaintiff believes that oral argument will be of assistance to the Court and hereby requests the opportunity to be heard at oral argument.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies that he has conferred with Defendants' counsel and has attempted in good faith to resolve or narrow the issues set forth in the foregoing motion but has failed in any such resolution.

/s/ Lawrence P. Murray
Lawrence P. Murray

CERTIFICATE OF SERVICE

I hereby certify that this document filed though the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 8, 2006.

/s/ Lawrence P. Murray

Lawrence P. Murray

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